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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Statement on Violence against Women

As an international human rights organisation MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT aims to protect and promote human rights and, in their context, foster development in all aspects of society. MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT has noted with increasing concern the mistreatment of refugee and asylum-seeking women all over the world, and we would like to thank UNHCR for raising the topic, as we would like to bring to wider attention this issue of critical importance which requires urgent coordinated action.

Overview

It is a sobering fact that women fleeing persecution are exposed to further threats or violence once they arrive in a country to seek asylum but are subsequently locked up in detention and made to feel like criminals. Many of the women who are forced by circumstances to seek asylum have already been threatened with or been subjected to significant harm and face further risk and fear of violence when held in detention or detention-like situations.

It is well known that rape is frequently used as an effective weapon of war. It is an act which not only affects the individual's physical and psychological health, and often self-worth, but also impacts the family and community. When a woman has to flee her country because of rape, the lasting effects are even farther reaching yet because of varying cultural and personal reasons rape is extremely difficult to talk about. In spite of UNHCR recommendations, which state that victims of torture and other serious and physical, psychological or sexual violence should not be detained, the practice of arbitrarily locking up women asylum-seekers, often at the same time as men and children, is becoming an increasing phenomenon around the world.

Once in detention, asylum-seekers irrespective of gender or age are confronted with an uncertain future, not knowing how long they will be held, nor what their fate may be once they are released. This uncertainty has grave repercussions for their mental health and can aggravate pre-existing mental health issues. Moreover, as documented events have demonstrated, many of the women in detention centres have had reasons to live in fear of further violence and sexual assault.

Despite this state of affairs, researching issues related to women in detention centres has been a challenging prospect for humanitarian workers, mainly because it is difficult to find specific information. This points to a lack of focused research on the subject, and is something that needs to be remedied. As the upcoming sustainable development goals reflect, there is an urgent need to ensure a gender perspective in such research, as the experience of various forms of hardship affects women and men differently.

Country Examples

In the United Kingdom, a 2014 report by 'Women for Refugee Women' found that female asylum-seekers who survived rape, sexual violence and other forms of torture were being held in detention for extended periods, adversely affecting their mental health and leading to depression, fear, self-harm and suicide attempts. It has been reported that women in the UK's Yarl's Wood detention centre suffered exploitative sexual conduct by staff and/or

abusive behaviour and were concerned for their privacy¹. States have a primary responsibility to ensure the physical protection of refugees, especially women and girls within their territory, and to take all possible measures to prevent the occurrence of sexual violence.

There have been similar reports from female asylum-seekers bound for Australia who end up in the regional processing centre on the island of Nauru. An independent review was recently conducted into allegations relating to conditions and circumstances there, which found cases of sexual exploitation in exchange for access to showers, as well as two separate allegations of rape². 'Save The Children' has made submissions³ to the Senate Inquiry following the release of this report, stating that some pregnant women, who are especially vulnerable, and who suffer from incontinence have reduced their water consumption, which is dangerous in the heat, to avoid walking long distances to the toilets and as a result have built 'makeshift' toilets. In some cases, women have forgone medical treatment because of difficulties in accessing the medical centre. Maintaining the civilian and humanitarian character of asylum and the protection of all refugees are the Australian government's main obligation according to international law.

Women in detention are vulnerable to sexual assault and exploitation. Between 2007 and 2011, there had been 185 reported sexual abuse complaints by detainees in immigration detention facilities in the US. Knowing that sexual abuse is a widely underreported crime in the outside world, this number is undoubtedly not representative of the full scope of the problem⁴. States remain responsible for taking all measures to prevent sexual violence and exploitation towards women and girls within their borders.

Women have specific health care needs. In the Irwin County Detention Centre in Alabama, women were reported to need a doctor's note to receive more than 12 sanitary towels a month. In other US facilities women are given only one sanitary towel at a time, and have to ask the male guards for new ones. The care of pregnant women in detention facilities is often sub-standard. Detention centres in Georgia and Arizona have been reported to refuse pregnant women additional mattresses, despite very thin bedding, and forcing women to give birth with only a nurse practitioner present. Women have been reported to have miscarried after being ignored when requesting medical help with profuse bleeding⁵. In this context, we demand the relevant body of the United States of America to bear its responsibility to respect and ensure the fundamental human rights of refugees and asylum-seekers, such as the right to life, liberty and security of person, as well as freedom from torture or other cruel, inhumane, or degrading treatment.

Women who seek asylum and are arbitrarily detained face a series of human rights violations. They are denied their right to seek and benefit from the protection offered by asylum, they are denied their liberty and in some cases are subjected to what amounts to torture⁶. They are denied their right to employment, to adequate health care and to a life of dignity. Furthermore, when states ignore or mistreat refugee and asylum-seeking women,

¹ http://www.refugeewomen.co.uk/wp-content/uploads/2015/01/WRW_IamHuman_report-for-web.pdf

² <https://www.immi.gov.au/about/dept-info/files/review-conditions-circumstances-nauru.pdf>

³ http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Submissions

⁴ <https://www.aclu.org/map/sexual-abuse-immigration-detention-facilities>

⁵ <http://www.fmreview.org/detention/brane-wang>

⁶ <http://www.theguardian.com/world/2014/aug/05/sp-australias-detention-regime-sets-out-to-make-asylum-seekers-suffer-says-chief-immigration-psychiatrist>

they are in violation of CEDAW articles 1 and 3, general recommendation 19 regarding the support services offered to the women, and general recommendation 24 regarding the health needs and protection of asylum-seeking and refugee women. States also disregard the principles enshrined in the Beijing Platform for Action, specifically the articles referring to reproductive health and safe pregnancy, violence against women in vulnerable situations, and gender-sensitive staff in the refugee and asylum-seeking process.

Recommendations

Based on our firm conviction that all people are equal and have the right to leave their countries and seek refugee when forced to do so, we at MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT call for:

- Governments and NGOs to integrate a gender scope in all reports on persons in detention facilities.
- Governments to abolish detention for asylum-seekers, as all asylum-seekers have the right to live in dignity and be free from violence whilst claims for asylum are being processed
- Governments to ensure that all staff dealing with refugees and asylum-seekers in the world should possess counselling skills and gender-sensitivity. When refugees and asylum-seekers arrive in a foreign country, they should be met with sensitivity and respect. Moreover, there should be close to 50 percent men and women in the staff, and all asylum seekers should be able to request a case-worker of their own gender. This also goes for interpreters.
- Governments and NGOs to provide all refugees and asylum-seekers arriving in a foreign country understandable information regarding their rights, and all practical information on needed services.
- Governments to use interpreters in all instances where this is needed or requested, such as health services or during interviews. It must be possible for women and men to have interpreters of the same gender as themselves.